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Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment

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Committee against Torture
Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment
Twenty-sixth session

Summary record of the first part (public)* of the 6th meeting**
Held at the Palais des Nations, Geneva, on Wednesday, 17 June 2015, at 3 p.m.

Chairperson: Mr. Evans

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* The summary record of the second part (closed) of the meeting appears as document CAT/OP/26/SR.6/Add.1

** No summary record was issued for the 5th meeting.

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The meeting was called to order at 3.10 p.m.

Any other business

Informal meeting with States parties to the Optional Protocol

1. **The Chairperson** welcomed the representatives of the States parties to the informal meeting and said that he would update them on the Subcommittee's work and practice, after which there would be a question-and-answer session.

2. Since about half of the States parties to the Convention against Torture had now also ratified the Optional Protocol, the Subcommittee and the secretariat were having to cope with an exponentially increasing workload. For example, a record nine visits would be conducted in 2015, which meant a corresponding increase in preparatory and follow-up work and in resource requirements. States parties were urged to prepare adequately for visits, using the guidelines posted on the Subcommittee's website. It was important to remember that visits constituted a springboard for continuing constructive dialogue between the Subcommittee, Governments and national preventive mechanisms, and the Committee welcomed suggestions for making that dialogue more effective and less burdensome.

3. Ongoing interaction with national preventive mechanisms represented another expanding area of the Subcommittee's work and, to stretch resources further and respond more quickly to requests for help, it now increasingly used remote communication tools for that purpose.

4. The Special Fund established under article 26, paragraph 1, of the Optional Protocol required additional donations in the very near future in order to continue operating. Its collapse would send a negative signal about States parties' support for the work of the Subcommittee. He urged States parties to consider how to enhance the Fund's resources.

5. **Mr. Staur** (Denmark) said that there was ample evidence of the value of the Optional Protocol and the Subcommittee's work. After describing the Convention against Torture Initiative, which his country had helped to launch and which was aimed at achieving universal ratification of the Convention by 2024, he asked whether the Subcommittee monitored the effectiveness of visits and, if so, whether any particular aspects of visits appeared to be especially useful. He noted that the value of visits was an argument in favour of States parties' ratifying the Optional Protocol, even if the ongoing work of national preventive mechanisms was ultimately more important.

6. **Mr. Narteh-Messan** (Togo) asked how soon after a visit the State party concerned could reasonably expect to receive the Subcommittee's report on the visit. He also wished to know what assistance countries that did not yet have a national preventive mechanism could receive from the Subcommittee in establishing such a body.

7. **Mr. Last** (United Kingdom), noting that the extent and importance of the Subcommittee's mandate greatly outweighed the resources provided for its implementation, said that the Subcommittee's ongoing engagement with national preventive mechanisms was invaluable given the relatively small number of country visits conducted each year. He asked what kinds of issues national preventive mechanisms raised with the Subcommittee and how States parties could better assist their mechanisms. Did unannounced visits by national preventive mechanisms to places of detention pose any particular problems?

8. **The Chairperson** said that, while it was difficult to measure the preventive value of visits to, for example, detention centres, applications to the Special Fund gave

some indication of the extent to which States parties accepted the Subcommittee's recommendations and strove to implement them.

9. The Subcommittee aimed to issue reports no more than four or five months after the visits in question and was working to shorten that time.

10. The Subcommittee's four regional teams played an important role in evaluating States parties' needs for assistance in establishing national preventive mechanisms. With more States becoming parties to the Optional Protocol, providing such assistance required ever more capacity and the Subcommittee was therefore grateful to the States parties that had provided support for its work.

11. National preventive mechanisms sought advice on a wide range of issues, most of them very practical, from how to draw up budgets to whether it was acceptable for the relevant authorities to keep detainees handcuffed during interviews. Not all national preventive mechanisms fully understood the nature of preventive work and they sometimes needed to be reminded of the breadth of the preventive approach, of how to maintain a constructive relationship with the authorities and so forth.

12. **Ms. Sveaass** said that later in the session Subcommittee members would receive training on the Manual on Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (Istanbul Protocol). That training would in turn assist members in providing input to the work of national preventive mechanisms.

13. **Mr. Rotundu** (Romania), thanking the Subcommittee for its advice and support in the establishment of his country's national preventive mechanism, asked whether the Subcommittee was seeking to establish a more formal structure for its ongoing dialogue with national preventive mechanisms.

14. **Ms. Duong** (Switzerland) said that, in her country's view, continued support for the Subcommittee's work was vital. She too would appreciate information about any plans for a more formal structure for dialogue with national preventive mechanisms. She asked whether, now that the Subcommittee conducted advisory visits focusing on national preventive mechanisms, the Special Fund would also accept applications from them. She also wished to know how the Subcommittee viewed the revised Standard Minimum Rules for the Treatment of Prisoners (Mandela Rules) and how it planned to take account of them in its work.

15. **The Chairperson** said that any arrangement that allowed national preventive mechanisms to interact and share experiences with one another, and also with the Subcommittee, was extremely worthwhile. Networks were starting to be established for that purpose in any place where national preventive mechanisms existed in sufficient numbers.

16. **Mr. Janković** said that the South-East Europe NPM Network was one example. The current members, Slovenia, Croatia, Montenegro, the former Yugoslav Republic of Macedonia, and Bosnia and Herzegovina, would soon be joined by Austria and, possibly, Greece. The Network held several meetings each year, with work divided between a jurisprudence and a medical branch. It had on occasion organized joint visits by mechanisms to places of detention and it maintained fruitful cooperation with the Subcommittee.

17. **The Chairperson** said that the Subcommittee would continue to encourage such networks as they had demonstrated their value time and again. In response to questions about the Special Fund, he confirmed that from 2015 applications for grants could be submitted by national preventive mechanisms in countries to which advisory visits on national preventive mechanisms had been conducted, provided that the related visit report had been made public. The result was, paradoxically, that an

increasing number of applications was expected to be received at a time when the resources available in the Fund were dwindling.

18. The Subcommittee had made a significant contribution to the Mandela Rules and was delighted by the outcome, not least the inclusion of provisions on independent oversight and protection. Although there was still room for improvement, the new rules reflected and solidified advances that the Subcommittee had been trying to foster for many years.

19. **Ms. Amos** said that the Subcommittee had recently sought to involve States parties and national preventive mechanisms more actively in its work. While most Governments and mechanisms had designated focal points for interaction with the Subcommittee, it would be helpful if the Subcommittee could be informed promptly whenever the focal points changed.

20. **The Chairperson** thanked participants for their input and encouraged States parties to feel free to contact the Subcommittee with questions or comments at any time.

The public part of the meeting rose at 4.10 p.m.